

Dated: May 30, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 970515116-7116-01; I.D. 013097A]

RIN 0648-AJ94

Antarctic Marine Living Resources Convention Act of 1984; Conservation and Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final regulatory notice of fishery management measures.

SUMMARY: At its Fifteenth Meeting in Hobart, Tasmania, October 21 to November 1, 1996, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted conservation measures, pending members' approval, pertaining to fishing in the CCAMLR Convention Area in Antarctic waters. These were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources. The measures restrict overall catches of certain species of fish, list the fishing seasons, define the reporting requirements, and specify measures that must be taken to minimize the incidental taking of non-target species. The measures were announced by the Department of State by a preliminary notice in the **Federal Register** on December 18, 1996. Public comments were invited, but none were received. NMFS implements these measures by final regulatory notice, consistent with the framework process specified in the International Fisheries Regulations (50 CFR 300.111).

DATES: Effective June 18, 1997 through June 18, 1998.

ADDRESSES: Copies of the CCAMLR measures and the framework environmental assessment may be obtained from the Assistant Administrator for Fisheries, NOAA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robin Tuttle, 301-713-2282.

SUPPLEMENTARY INFORMATION: See 50 CFR Part 300, Subpart G - Antarctic Marine Living Resources, and the Department of State's preliminary notice at 61 FR 66723, December 18, 1996. The measures for the first time set a precautionary catch limit (of 775,000 tons in any fishing season) on krill fishing (*E. superba*) in Statistical Division 58.4.1. New fisheries, limited to fishers from the member states who proposed them as exploratory fisheries, were approved for the 1996/97 season: for deep-water species other than *D. eleginoides* and *C. gunnari* in Statistical division 58.5.2 by Australia; for *D. eleginoides* and *D. mawsoni* in Statistical Subarea 58.4.3 by Australia and South Africa; for *D. eleginoides* and *D. mawsoni* in Statistical Subarea 48.6 by South Africa; for *D. eleginoides* and *D. mawsoni* in Statistical Subareas 88.1 and 88.2 by New Zealand; for *D. eleginoides* and *D. mawsoni* in Statistical Subareas 58.6, 58.7 and Statistical Division 58.4.4 by South Africa; and for *M. hyadesi* in Statistical Subarea 48.3 by Korea and the United Kingdom. The definition of nautical twilight used in the measure for the minimization of the incidental mortality of seabirds in the course on longline fishing or longline fishing research in the Convention Area was footnoted to refer to the "exact times of nautical twilight are set forth in the Nautical Almanac tables for the relevant latitude, local time and date. All time whether for ship operation or observer reporting shall be references to GMT."

Participation in the Convention Area crab fishery is limited to one vessel per Commission member. Applications for a crab permit must be received no later than ninety days prior to intended harvesting and will be considered in order of application. The one U.S. crab permit will be issued on the basis of: (1) order of receipt of applications; (2)

criteria for harvesting permits appearing in 50 CFR 300.112; (3) willingness to participate in CCAMLR pilot programs; and (4) record of previous participation, if any, in the crab fishery.

Classification

NMFS has determined that this regulatory notice is necessary to implement the Antarctic Marine Living Resources Convention Act of 1984 (the Act) and to give effect to the management measures adopted by CCAMLR and agreed to by the United States.

This notice has been determined to be not significant for purposes for E.O. 12866. It is exempt from 5 U.S.C. 553, because it involves a foreign affairs function of the United States. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 60 *et seq.*, are inapplicable.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act. The collection of information has been approved by OMB under OMB Control Number 648-0194, which expires August 31, 1997. The annual reporting burden for this collection of information is estimated to average 35 hours. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Robin Tuttle, NMFS, and to the Office of Information and Regulatory Affairs (See **ADDRESSES**).

Authority: 16 U.S.C. 2431 *et seq.*

Dated: June 12, 1997.

David Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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